

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA : SEALED INDICTMENT

- v. - : S1 09 Cr. 941

SERVANDO GOMEZ-MARTINEZ, :
a/k/a "La Tuta," :

Defendant. :

- - - - -X

COUNT ONE

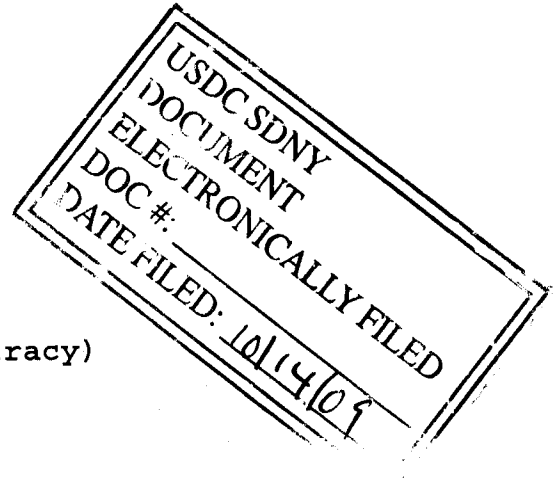
(Narcotics Importation Conspiracy)

The Grand Jury charges:

Background of the Conspiracy

The "La Familia" Cartel

1. "La Familia Michoacana" (hereafter, "LFM" or "La Familia") is a violent drug trafficking cartel based in the state of Michoacan, in the southwestern part of Mexico. LFM controls drug manufacturing and distribution within and around the state of Michoacan, including the importation of vast quantities of cocaine and methamphetamine from Mexico to the United States. In particular, LFM is philosophically opposed to the sale of methamphetamine to Mexicans, and instead supports its export to the United States for consumption by Americans. LFM's area of control includes the shipping port city of Lazaro Cardenas, a key entry and exit point in Michoacan for drug shipments.



2. LFM is a heavily-armed cartel that has utilized violence to support its narcotics trafficking activities, including assaults, killings and kidnappings. Furthermore, associates of LFM based within the United States have acquired military-grade weapons, including assault weapons, and ammunition, and have arranged for them to be smuggled back into Mexico for use by LFM.

The Defendant

3. SERVANDO GOMEZ-MARTINEZ, a/k/a "La Tuta," the defendant, is a leader of LFM who serves as the operational chief for the cartel and who has made public statements on behalf of the cartel. Among other things, GOMEZ-MARTINEZ is responsible for ensuring that LFM's drug trafficking activities are not impeded by law enforcement, and for acquiring weapons for use by LFM.

Statutory Allegations

4. From in or about 2006, up to and including in or about the present, in Michoacan, Mexico and elsewhere, SERVANDO GOMEZ-MARTINEZ, a/k/a "La Tuta," the defendant, who will be arrested and first brought to the Southern District of New York, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

5. It was a part and an object of said conspiracy that SERVANDO GOMEZ-MARTINEZ, a/k/a "La Tuta," the defendant, and others known and unknown, would and did distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, intending and knowing that such substances would be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States, in violation of Sections 959, 960(a)(3) and 960(b)(1)(B) of Title 21, United States Code.

6. It was a further part and an object of said conspiracy that SERVANDO GOMEZ-MARTINEZ, a/k/a "La Tuta," the defendant, and others known and unknown, would and did distribute a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, intending and knowing that such substances would be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States, in violation of Sections 959, 960(a)(3) and 960(b)(1)(H) of Title 21, United States Code.

(Title 21, United States Code, Section 963.)

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed:

a. In the beginning of 2009, SERVANDO GOMEZ-MARTINEZ, a/k/a "La Tuta," the defendant, attended a meeting in Michoacan, Mexico, at which he and other co-conspirators not named herein discussed LFM's distribution of methamphetamine.

b. On or about July 14, 2009, approximately two days after the arrest of a significant LFM leader, the bodies of 12 Mexican federal police officers believed to have been murdered were discovered in Michoacan, Mexico.

c. On or about July 17, 2009, SERVANDO GOMEZ-MARTINEZ, a/k/a "La Tuta," the defendant, in a recorded statement to a local television station in Michoacan, Mexico, publicly acknowledged that he was a member of LFM, and, among other things, claimed that he was in charge of the port city of Lazaro Cardenas in Michoacan; that LFM was in a battle against the Mexican federal police and prosecutors; and that LFM kidnaps people who owe LFM money and those whose family members work in state and federal governments.

Forfeiture Allegation

8. As a result of committing the controlled substance offense alleged in Count One of this Indictment, SERVANDO GOMEZ-MARTINEZ, a/k/a "La Tuta," shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the

said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

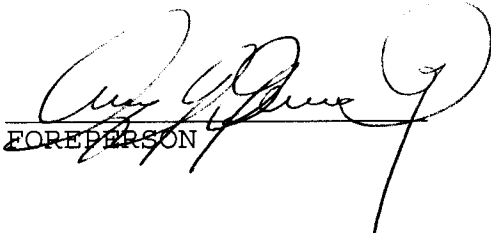
Substitute Asset Provision

9. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant -

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code,
Sections 853 and 970.)


FOREPERSON


PREET BHARARA
United States Attorney

